

U.S. DISTRICT COURT  
DISTRICT OF MAINE  
PORTLAND  
IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MAINE  
2024 NOV -1 P 1:23

Dustin Graham Gilbert

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

**-against-**

Maine Department of Health  
and Human Services

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

**Complaint for a Civil Case**

Civil No. \_\_\_\_\_  
(to be filled in by the Clerk's Office)

Jury Trial: ☐ Yes ☒ No  
(check one)

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Dustin Graham Gilbert</u>
Street Address	<u>76 Bradley St.</u>
City and County	<u>Lewiston, Androscoggin</u>
State and Zip Code	<u>Maine 04240</u>
Telephone Number	<u>207-713-8915</u>
E-mail Address	<u>dustin.gilbert1986@gmail.com</u>

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

**Defendant No. 1**

Name	<u>Maine D.H.H.S.</u>
Job or Title (if known)	<u>Provides health and social services</u>
Street Address	<u>109 Capitol St</u>
City and County	<u>Augusta, Kennebec</u>
State and Zip Code	<u>Maine <del>042</del> 04330</u>
Telephone Number	<u>207-287-3707</u>
E-mail Address (if known)	<u>not available</u>

**Defendant No. 2**

Name	_____
Job or Title (if known)	_____
Street Address	_____
City and County	_____

State and Zip Code \_\_\_\_\_

Telephone Number \_\_\_\_\_

E-mail Address \_\_\_\_\_

(if known)

Defendant No. 3

Name \_\_\_\_\_

Job or Title \_\_\_\_\_

(if known)

Street Address \_\_\_\_\_

City and County \_\_\_\_\_

State and Zip Code \_\_\_\_\_

Telephone Number \_\_\_\_\_

E-mail Address \_\_\_\_\_

(if known)

Defendant No. 4

Name \_\_\_\_\_

Job or Title \_\_\_\_\_

(if known)

Street Address \_\_\_\_\_

City and County \_\_\_\_\_

State and Zip Code \_\_\_\_\_

Telephone Number \_\_\_\_\_

E-mail Address \_\_\_\_\_

(if known)

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (*check all that apply*)

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

5<sup>th</sup> & 14<sup>th</sup> Amendments  
\_\_\_\_\_  
\_\_\_\_\_

**B. If the Basis for Jurisdiction Is Diversity of Citizenship**

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (*name*) \_\_\_\_\_, is a citizen of  
the State of (*name*) \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (*name*) \_\_\_\_\_, is a citizen of  
the State of (*name*) \_\_\_\_\_. Or is a citizen of  
(*foreign nation*) \_\_\_\_\_.

b. If the defendant is a corporation

The defendant, *(name)* \_\_\_\_\_, is  
incorporated under the laws of the State of *(name)*  
\_\_\_\_\_, and has its principal place of  
business in the State of *(name)* \_\_\_\_\_. Or is  
incorporated under the laws of *(foreign nation)*  
\_\_\_\_\_, and has its principal place of  
business in *(name)* \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an  
additional page providing the same information for each additional  
defendant.)*

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant  
owes or the amount at stake—is more than \$75,000, not counting interest  
and costs of court, because *(explain)*:

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**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as  
briefly as possible the facts showing that each plaintiff is entitled to the damages or other  
relief sought. State how each defendant was involved and what each defendant did that  
caused the plaintiff harm or violated the plaintiff's rights, including the dates and places  
of that involvement or conduct. If more than one claim is asserted, number each claim  
and write a short and plain statement of each claim in a separate paragraph. Attach  
additional pages if needed.

.... see attached...

**IV. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

... see attached

**V. Closing**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 10/31, 2024.

Signature of Plaintiff

A handwritten signature in black ink, appearing to read "Dustin Graham Gilbert", written over a horizontal line.

Printed Name of Plaintiff

Dustin Graham Gilbert

III

...The defendant did not let me outside (outdoors) in a time of crisis, or in any time I was mandated to be in their custody, albeit as a "civil inpatient"...nearly enough to not deprive me of life (my natural functions and course of nature) and a basic liberty (going outdoors anytime) during a time of treatment, care and assessment. This deprivation caused a loss of liberty; exemption from extraneous control, lost comfort that eventually became mental angst and mental torture.

The policy is five fifteen-minute "fresh" airbreaks, in which I've experienced skipped breaks by the staff, only to advocate (which was more of an argument) for the unit eventually in one of my stays only to get staff more on top of (the breaks). They did, but future stays showed that Riverview was not prioritizing the patients getting outdoors or following their own policy with at least five breaks a day. The unit is not very big, and the special care unit I've been on is very small too. I complained a lot, about a lot, and nothing was done...having to do with this policy.

I've been to the facility eight times now and each time I have felt the policy causes me suffering. I've been outspoken on it too...to Riverview staff and advocates. (This suit seems to be the only true remedy as I've filed grievances with no path to getting the place a place of true comfort and not violating rights {this is not the only issue}.) It is most definitely within their capacity to expand the time outdoors...even to 24/7 outdoor access (in which the outdoor grounds already existing provide a good place to be in a time of crisis.) I don't feel my true character and personality assessments are accurate of any time I was in Riverview's building due to me being out of my natural functions.

My damage with inaccurate assessments... I have literally become so obsessed with leaving I've not been honest, I've become angry, I lost touch with who I truly am and my humor, always good attitude...it just was gone on the eighth visit. I became like a zombie in my own way with heavy doses of medications and all will to do anything was taken away. I'm still recovering from institutionalization, about four and a half months out of there...from Riverview. It's a very debilitating policy and trying to work with my provider to have my medications reduced from a very high level to at least moderate is extremely difficult considering the harm not getting outdoors did to me at Riverview and how I acted without enough time outdoors.

This policy made my equilibrium sort of feel off. The special care unit at Riverview is where it was the worst. They don't hardly abide the five fifteen minute fresh airbreak policy, with less breaks...and all in all, fifteen minutes to be outdoors leaves me needing more and more time outside.

Riverview has on their webpage that Riverview "boasts state-of-the-art care". Well, I experienced mental torture and the policy that sent me to Riverview was a punishment for violating a state instituted Progressive Treatment Program where I violated no law but did violate the civil order...so punishment was not truly constituted but I felt punished...and then I felt tortured.

I'm outside in Maine a lot. It's just a way of life, and losing 24/7 access is awful, but only 75 minutes over

the course of the whole day outside...when they have the ability to make it 24/7...it may even be negligence (for the mental state of their patients while in Riverview's custody.)

I will note that Maine State Prisoners...the majority, receive more outdoor "yard time" or outdoor time than Riverview "civil inpatients"...showing that the policy put in order a feeling like I was in a time of punishment and doing jail time. Each Riverview stay has become worse and worse...and I refer to the facility as "hell" now.

IV.

The plaintiff seeks damages, punitive, of 3,000,000, to make sure this policy is changed, takes affect and in other psychiatric institutions as well... and for Riverview to follow consitutional law that ensures all "civil inpatient" U.S. citizens not to be deprived of life, liberty;freedom;extraneous control and always allow outdoor access in order to not neglect a basic welfare we all are constitutionally due...adequate outdoor time and at least more than any state prisoner.